IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

    Plaintiff,

      v.

COMCAST OF GEORGIA, INC.,

    Defendant.

CIVIL ACTION FILE
NO. 1:06-CV-2595-TWT

ORDER

This is a puzzling case. The EEOC sues on behalf of a current employee of the

Defendant alleging that he was the victim of age and sex discrimination for one of the

forty or so positions that he applied for after he was laid off due to a reduction in

force. The position was filled in May 2005 by a younger female employee. The

alleged victim was hired by another cable company in October 2005, a year before the

EEOC filed this lawsuit. Within a few months, that cable company was taken over by

Comcast and the alleged victim has been employed by Comcast – with no complaints

of discrimination – ever since. So this action is now about five months of

unemployment. When the alleged victim was laid off, he received severance benefits

of   about $35,000.00.   The case is before the Court on the Report and

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Recommendation [Doc.   61] of the Magistrate Judge recommending that the

Defendant's Motion for Summary Judgment [Doc.   40] be granted.   The forty-one

pages of Objections by the EEOC to the Report and Recommendation are without

merit. The Defendant's hiring manager understandably thought that the alleged victim

would not be happy with a fifty mile commute between Acworth and Rome for a

salary that was half of what he had previously made.   This was a legitimate

nondiscriminatory reason not to offer him the Rome position.   The EEOC has

abandoned its administrative claim that the alleged victim was discriminated against

when he applied for the forty or so other positions during the brief period when he was

laid off.   The Court approves and adopts the Report and Recommendation as the

judgment of the Court. The Defendant's Motion for Summary Judgment [Doc. 40]

is GRANTED.

SO ORDERED, this 14 day of May, 2008.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge